The regular meeting of the Town Assembly of the Village of Arden was held on September 28, 1981 with Chairman, William Press, Jr. presiding.

In attendance were:

Gail Rinehart Virginia Shaw Eugene Shaw Woodrow Vandever Joan Colgan Sarah Hamburger Beatrice Jaffe Wayne Kershaw Donald Holcomb Rae Gerstine Elizabeth V. Walker Robert Wynn (NV) Lily Herzog Frank Herzog Bertha Brooks James Mann Jim Brooks Patricia Press Temma Tanzer Helem Macklem

John Linton Leon Tanzer George Macklem Harold Monfort William Press Ruth Estes Arlene Davis Ethel Monfort Warren Davis Ruth Holcomb Dora Johnson Mary Morley Alton Dahl Connee McKinney Carolyn Liberman Thomas Colgan Lee Starr Cy Liberman Bill Bailey

Sally Thurston Frank Heymann Aaron Hamburger Debbie Theis Ruth Shaw Larry Walker Gideon Deak (NV) Bill Bindloss Mike Curtis Beverly Barnett Hugh Roberts Beatrice Phillips Amy Potter Cook Ruth Panella David Warner Sue Drury Susan Warner Becca Drury (NV) Bill Theis

Minutes from the June Town Assembly were distributed and corrected. Leon Tanzer's name was omitted from the attendance list at that meeting. Minutes approved.

Communications Received:

From the State of Delaware Department of Natural Resources and Environmental Control. Arden's portion of the Naamans Creek area has been nominated to Delaware's Registry of Natural Areas. The placement of this site on the registry recognizes its importance as a part of the State's natural heritage and identifies the area as a potential nature preserve - an area which is placed in long-term protective status.

From General Revenue Sharing. Arden's allocation beginning in January, 1982, has been computed, based on the U.S. Census figures, as \$1,981. This is \$422 less than last year's allocation.

Special meeting of the Claymont Fire Station was held on Wednesday, September 23 in Arden. Attendance was good and included legislators Smith, Baer, Norris, and Hebner. The discussion concerned the proposed consolidation of the Philadelphia Pike and Naamans Rd. Stations and the building of a new station at I95 and Harvey Rd. The sense of the meeting favored keeping Co. #31, Naamans Rd., open as a separate entity. Closing Station #31 might downgrade the service to Arden and a new station on I 95 would interfere with traffic on Harvey Rd. (they would need to build an access ramp for the fire trucks to I 95). The town instructed the secretary to write to the Fire Company expressing its support for keeping Station #31 open.

STANDING COMMITTEE REPORTS

Trustees - Cy Liberman

The <u>budget</u> for the year was presented with a correction in the amount of County-School Taxes to \$91,731.03. See attached report. The Naff suit against the town has been amicably settled by the insurance companies involved. Rollins Cablevision is finally installing their cable around town. This was approved by Town Assembly several years ago. Rollins will pay Arden 3% royalty on the franchise.

Audit Committee - Alton Dahl - no report

Budget Committee - Leon Tanzer

See attached report with corrections. The Revenue Sharing figure has been cut by approximately \$500 for 1982/83. Salaries for Town Secretary and Treasurer were increased to \$2,100 and \$500 respectively by unanimous vote. The allocation for town trash collection was raised to \$24,000 and the figure for the special clean-up to \$750. The Assembly felt these figures were more realistic in these inflationary times. Both trash and special clean-up were put to a vote and passed by a majority. It was suggested that we put our garbage collection contract up for competitive bidding, but also noted that cost is not the only consideration, service is an important factor and we have requested behind the house pick-up.

It was moved that we raise our donation to the Claymont Fire Co. to \$700. After discussion about the political uncertainty of station #31, it was decided that we should wait to raise our donation until the problem is resolved. The motion was defeated.

Two dark omens concerning future budgets were pointed out. 1) the new county assessment may be expected to increase by 15%.
2) we face a possible elimination of the revenue sharing program.

It was moved and passed by majority vote that the budget note concerning expenditures deviating by \$1,000 or more from the budget be included on the referendum ballot to be voted on as a line item.

Leon urged that residents attend open budget meetings in future so these details can be worked out before presentation to Town Assembly.

Civic Committee - Joan Colgan

Road work for the year has been completed. This includes the resurfacing of Mill Lane and of Orleans Rd. from Harvey to Millers. There has been road patching throughout the village. Work was also done on the Sweep Path and the path between Orleans and Little Lane.

Several residents have been contacted requesting that they cut back hedges obstructing the village right-of-way, citing ordinance #11. The response has been good.

The yellow center line in front of the Gild Hall and down Orleans Rd. was painted as well as all bicycle stiles. The roof of the Spring House in the Memorial Garden was repaired.

A letter was sent to the Highway Dept. requesting them to discontinue draining through the Memorial Garden. Gwynne Smith, our State Legislator was most helpful. They have responded and are studying the matter.

Swim Gild has asked for permission to cross town property from Pond Lane to the pool. This would mean bringing in a concrete truck and removing one picnic table and bench. We have given permission if they return the area to its present condition and repair the leakage into the Memorial Garden.

All road signs have been replaced.

Community Planning Committee - Cy Liberman

Should Arden be participating in the New Castle County Community Development and Housing program? In past years, we have declined to do so because of the program's clause requiring participants to participate in public and federally assisted housing projects. Arden could not do that because our land is fully developed. has talked to the program's administrators and discovered that Arden and Bellefont are the only communities not participating. They are aware of our space limitations and do not feel it is a problem. The advantages of participating would be; an opportunity for low and moderate income home owners to get loans for home inprovements, they would be eligible for deferred loans not to be repaid until their homes aresold, and rental assistance, low and moderate income people might be eligible for help with a portion of their rent. The County has had 5 inquiries from Ardenites who need such help. Both Ardencroft and Ardentown participate and have found no disadvantages, though Ardencroft has not used the funds. Cy recommended that Arden sign an agreement with the County pending further investigation by the Community Planning and Advisory Committees.

Community Planning Committee was challenged to fulfill their commitment to submit a master plan for tree planting on Sherwood Green to replace the dead Elms. Playground Committee is planning some tree replacement, but Community Planning will look at the total picture.

Registration Committee - Virginia Shaw

There are 408 eligible voters for Town Assembly as of this date.

Because of the special meetings this year, our budget is not sufficient to complete the fiscal year's work. We are applying to the Budget Committee for contingency funds to make up the shortage.

Having 4 instead of 3 elected members has greatly facilitated our work so far this year and will be especially helpful during October and early November when we are holding the referendum for the election of Assessors and approval of the budget. We hope to present a proposal for making this permanent before the date for the next committee elections in March.

Safety Committee - Jim Brooks

Traffic signs for Harvey and Orleans Rds. are on order.

The State Police Patrol has been concluded. The committee is now talking to the County Police about patrolling, we understand they may be more economical.

No major disturbances were noted at the Arden Fair. Six State Troopers were on duty. They recommend that the beer garden be closed at 3 PM to avoid unpleasant behavior.

Harvey Rd. is a major problem for speeding and parking. In the last month there have been 4 accidents at Orleans and 2 at Hillside. The committee requested a traffic survey at the corner of Orleans and Harvey with the idea of installing 4-way stop signs, but the Highway Dept. is unwilling to do that without first improving the road. Improvement would probably include widening. David McBride, the District #1 traffic engineer, would like to attend a Town Assembly to discuss the matter. He recommended that Arden set up a radar speed trap to control speeding. Ardentown has found a radar trap very effective. The problem is, there is no room on Harvey for police cars to pull off the road. We might contact Gwynne Smith, our representative, for help with the Highway Dept. A fairly comprehensive study of conditions on Harvey Rd. was done in 1972 which called for modest changes on Harvey Rd. The report was disapproved by Town Assembly at that time but might be helpful as a guideline.

Safety Committee was commended for its good work, particularly in controlling Sherwood Green this summer. It has been very peaceful.

Buzz Ware Village Center Committee - Elizabeth Varley Walker

The Town Chairman has spoken to Representative Smith about grantin aid funds for repairing the roof.

Work is progressing on the new module. Several groups have already used room 4 for meeting. Room 5 is also available for meetings, particularly the library section. This room should also be scheduled through the BWVC Committee.

The Joint Committees met on 9/24 to discuss the playground situation and landscaping. WMA has suggested planting Pfitzer junipers on the Sherwood Rd. side of the module and is looking into planters for the playground side. This was agreed to by the Joint Committees. The plans for the Sunset Lane end are not yet final.

WMA received permission to move the stove and refrigerator into room 4 for the winter, they will be moved back into the kitchen for ACRA's use during the summer.

WMA presented the Village Center with a color photograph of the ACRA mural. It has been hung on the stage near the quilt. The new Key and story of the quilt is currently being framed and soon will be hung next to the quilt.

Playground Committee - Beverly Barnett

The committee will be proceeding with the planting of 4 shade trees on the Sherwood Green this fall. The trees will be located near the swings and slide.

Bill Bailey will be taking on the responsibilities of maintenance coordinator. Thanks to Frank Heymann who has served in this capacity since the committee was formed.

The next work session will be held on Sunday, Oct. 4 at 9:30 AM at the BWVC. All town residents are invited to join in inspecting the bolts on all 3 jungle gyms in painting, and in replacing a plank which was ripped off the picnic table and burned.

Moved: That the Town Assembly approve the change of name of this committee from Playground Oversight Committee to Playground Committee. The committee shall consist of five residents of Arden elected by a majority of those voting at the regular March meeting. The term shall be two years with two members to be elected on odd numbered years and three members elected on even numbered years. Motion passed unanimously.

Assessors - Elizabeth Varley Walker

See attached revised report. Report was accepted with one negative vote, forty-two positive.

Advisory Committee - Hugh Roberts - no report

Arden Arts Committee - Hugh Roberts - no report

Old Business - none

Sunshine Law reminder. Hugh Roberts pointed out that all votes taken in Town Assembly, unless unanimous, must be recorded individually on the voting record sheet.

Nominations for Board of Assessors: John Berk, William Bindloss, Bernard Brachman, Alton Dahl, Frank Herzog, Frank Heymann, Donald Holcomb, Russell McKinney (declined), Harold Monfort, William Press, Eugene Shaw, Lee Starr, Temma Tanzer, Debbie Theis, Elizabeth Varley Walker.

New Business

Playground Committee Proposal: The southern basketball backstop at the BWVC was removed by WMA as part of their building expansion. WMA recognizes its obligation to extend the blacktop to compensate for the part now covered with the modules, and to install two backstops so they can be used as they were prior to expansion. The estimated cost of these two items is \$1,000 - \$1,200.

The Playground Committee explored alternative ways to spend the money which would expand the recreational uses of the playground. The following proposals were put forth as worthy of consideration.

A. Paint a regulation half-court game on existing blacktop to be played using the remaining regulation height backstop (10 ft.). The court was 60 ft. long and a half-court is 42 ft. This leaves approximately 15 ft. of barrior-free area behind the regulation half-court. Although this won't provide a two-basket game, it will avoid the installation of more blacktop on the Sherwood Green.

- B. Request that WMA reinstall the removed basketball backstop at an 8 ft. height on the hardpacked surface of the old merry-go-round site. This provides elementary age children with a shooting only basketball net, because the hard-pack (grown over with grass) isn't good for dribbling. This location might keep older children from bending the lowered rim with dunking practice. The backstop would need to be positioned to minimize the liklihood that the ball will roll into the street.
 - C. Request that WMA install a soccer backstop made of cyclone fencing, new sports equipment in Arden. The old Teen Gild requested this equipment, and the existing baseball backstop on Sherwood Green is already used for soccer. Soccer is growing in popularity in Brandywine Hundred, and WMA includes soccer in its physical education program. The proposed location is the NE edge of the Sherwood Green between the basketball backstop and the parking area, backed by the Phillips leasehold and illuminated by the Club's new light. An alternative location would be the Arden Green, near Inn Lane and the baseball backstop.

<u>Discussion</u>: Does this proposal absolve WMA from the responsibility of restoring the area to its original condition if they leave?

No, the proposal is in lieu of extending the blacktop covered by the module.

Does the committee have a preference for placement of soccer goals between Sherwood and Arden Greens? Committee has a very mild preference for Arden Green simply because there is less equipment on that green. Some concerns expressed - will the goals become attractive nuisances, attract outsiders, increase vandalism? Ruth Panella expressed opposition to the equipment on esthetic grounds and questioned their necessity.

Sense of the meeting was that people need more time to think about the proposal.

Moved and Seconded: That the Playground Committee's recommendations be tabled for consideration under old business at the December Town Assembly. Yes - 27, No - 9. Proposal tabled.

Moved and Seconded: That the Community Planning Committee develop a long-term strategy, working either alone or in conjunction with the Delaware League of Local Governments, to increase the State allocation for Municipal Street Aid.

Discussion: Mike Curtis objected that Municipal Street Aid is the antithesis of single tax philosophy which holds that the community should be self-supporting. Arden should not transfer its responsibility to the wider community.

Yes - 23, No - 12. Motion passed.

Arden Fair Problems - Leon Tanzer outlined two specific problems of concern to the town. 1) The beer garden - there was drunken brawling, abusive behavior, and urinating and obscenities in the Memorial Garden. 2) Parking was inadequate and destroyed the condition of the Green.

Moved and Seconded: That the Chairman of Town Assembly select a

committee of five to meet with a committee of five from the Arden Club to work out the problems created by the beer garden and parking at the Fair. At least two public hearings should be held to encourage citizen input. Motion passed unanimously.

Moved and Seconded: That non-residents requesting use of the Field Theater be charged a fee, the fee schedule to be set by the Civic Committee.

Discussion: The Field Theater, which is a memorial, should not be an income producing place. Users always offer to pay for the electricity they use. Setting up a system for outside use might encourage more such use. So far, the privilege has not been misused. Motion unanimously defeated.

Moved and Seconded: That the Chairman be empowered to sign a cooperative agreement with the New Castle County Community Development program pending investigation and approval of the Advisory and Community Planning Committee. Motion passed unanimously.

Moved and Seconded: That a vote be taken to instruct the County to either enforce the zoning restriction on single family dwellings, prohibiting rental domiciles added after 1954, or to change the zoning regulation to permit multi-family dwellings in the number of three.

Motion tabled for consideration under Old Business at the December Town Assembly.

Meeting Adjourned.

SarabHamburger

Originally submitted June 22, 1981 Revised, corrected and reissued Sept. 28, 1981

REPORT OF THE ARDEN BOARD OF ASSESSORS FOR LAND RENT DUE MARCH, 1982

This amends the report of same title submitted to the Town Assembly of Arden on June 22, 1981. This action was taken on September 15, 1981, by a vote of 5 to 2 (Aye; Hamburger, Shaw, Walker, Morley & Monfort: Nay; Press, Holcomb) on motion to:

1. Withdraw the new proposed 2000 sq. ft. domicile rule pending legal investigation by the Trustees

2. Revise the "accounting steps used in determining FULL RENTAL VALUE" to a more easily understood format

 Use the 6500 sq. ft. domicile rule that has been in effect since March 25, 1977

4. Add 3% to the 1981-82 land rent schedule to obtain rates for 1982-83.

5. Recommend to future Board of Assessors that continued study be given to improving the determination of FULL RENTAL VALUE and its proper apportionment to the leaseholds.

This report covers action taken in nine meetings, including three public hearings, held between December 8, 1980 and September 15, 1981.

Mr. John Grimaldi, our Convenor and Chairman, moved from the Village and resigned in March, 1981. Mr. Donald Holcomb was selected by the Town meeting of March, 1981, to fill the membership vacancy. Mrs. Elizabeth Varley Walker was elected Chairwoman on April 23, 1981.

In an early session, the Board (1 to 5 with one abstention) denied a motion to allocate land rent to the leaseholds solely on the basis of area.

The Board voted 7 to 0 to use the definition of "FULL RENTAL VALUE" developed by the previous Board.

The Board gave a written opinion to the Trustees with regard to their question relating to the proper administration of the domicile rule.

A letter was received from Mr. Robert Wynn advising the Board of the possibility that he would take legal action if the Board made "significant deviations from the principles set forth in the Deed of Trust and lease agreement". He elaborated on his objections as outlined in the agenda for the open meeting of September 15, 1981, (see archives).

The first two Public Hearings were sparsely attended. One couple voiced objection to paying extra land rent for the advantage of listening to the noise and cleaning up the litter made by people using the Village Green. One resident inquired as to the possible effect of the Montessori expansion on Sherwood Green Factors. About 20 people, attended the Sept. 15 meeting, a few of whom had comments re determination of full rental values and the domicile rule.

By the previously mentioned vote of September 15, 1981, the Board voted to continue last year's domicile rule viz: "The base rent for any leasehold which, for the purpose of producing income, contains more than one domicile in the form of separate dwellings or apartments, shall be equal to the rent at the "first 6500 sq. ft." rate times the number of domiciles, or the rent at the "first 6500 sq. ft." rate for the entire leasehold—whichever is the lesser. All land is excess of the "first 6500 sq. ft." rate times the number of domiciles shall be subject to the "above 6500 sq. ft." rate.". In March of 1981, leaseholds were billed for land rent at the rate of \$43.50 per M sq. ft. for the "first 6500 sq. ft." and at \$26.70 per M sq. ft. for the "above 6500 sq. ft."

The choice of 6500 sq. ft. as a domicile area was first made and approved in 1976 to take effect in March 1977. It has been approved by Town Assembly and referendum since then. It descended from a prior use of 10,000 sq. ft. -- both of which had, as their precedent, the use of such areas in the New Castle County Zoning Code for the communities zoned as "single family residential". In its search for logical area to be assigned a higher value because it could and did accomodate a domicile, previous Boards have overlooked the fact that a number of leaseholds in Arden are indeed "multifamily" units -- a situation primarily stemming from apartments which were being rented prior to start of Zoning in the 1950's. One of these units provides as low as 2142 sq. ft. per domicile, which corresponds almost exactly to the 2178 sq. ft. per family stipulated under R-4 District. areas even lower--1600 sq. ft. and 1089 sq. ft. per family are covered in other high density areas. This information may be of use to future Boards.

The Board voted 7 to 0 to use the same Woods and Greens and Commercial Factors as in 1981 as follows:

1. Leaseholds adjacent to the Arden or Sherwood Forest add 10%

Leaseholds fronting on the Arden or Sherwood Forest

(i.e. across and intervening road) 5%

 Leaseholds fronting on or adjacent to any of the Greens (Village, Sherwood, Meadow or Communal)

4. Leaseholds being used commercially either under commercial zoning or non-conforming use in residential area 75%

The factors for any leasehold which has one side partially adjacent to or fronting on a forest or green shall be adjusted by the ratio of the fronting or adjacent footage to the total footage of that side of the leasehold.

The FULL RENTAL VALUE of lands leased by the Arden Trust is defined as the sum of the net costs of the Village, normally expressed by these considerations:

1A&1B. The amount required each September to pay the County and School tax levied on the Arden Trust.

2A&2B. The amount that the Community desires to spend for its "standard of living" and for administration as indicated by recent referenda.

The amount needed to maintain a prudent reserve which will ensure the flexibility needed by the community in considering its next referendum.

The accounting steps used in determining the FULL RENTAL VALUE and how it is to be collected by the Trustees for the fiscal year starting March, 1982 are:

No.

\$25,500 The amount needed for the County tax School Tax 65,000 1B. 6,500 11 11 Trustee Administration 2A. 54,000 desires of the residents 2B. (8,000)3. Maintenance of prudent reserve

Naintenance of prudent reserve \$45,000 prudent reserve for '82-83 (½ of Items 1A plus 1B) (less) \$53,000 available from unused '81-82 budget

FULL RENTAL VALUE as per definition

\$143,000

The Trustees are requested to act as follows:

4. Collect the usual fines, etc., and the interest to be obtained from investment of idle Treasury balances (unused rentals) awaiting payment of Village expenses and apply as a leasehold rental credit est. \$9,000

5. Collect by rent billing as of March 1982 \$4,500 est. rent for Woods, Greens and Comm. Factors \$129,500 est. rent by application of the basic land rental rates as recommended by this Board

134,000

FULL RENTAL VALUE

\$143,000

The Board voted 7 to 0 to raise basic rental rates about 3% to obtain about \$129,500 as compared to the \$126,000 needed last year. This increase sets the basic land rental rates at:

\$44.90 per M sq. ft. for the "first 6500 sq. ft." \$27.50 per M sq. ft. for the "above 6500 sq. ft."

Senior citizens who may be eligible for County tax rebate are urged to call the Treasurer of the Village of Arden.

This report, meeting minutes, the original report of June 22, 1981, and other references generated during the tenure of this Board, have been placed in the Arden Archives at the Village Center under the care of the Arden Archivist. It is recommended that the Town Clerk advise the Convenor of the next Board of Assessors to obtain those records prior to the first meeting and also furnish advice as to timing of the first meeting and as to legal requirements and procedures.

Respectfully resubmitted to the Town Assembly of Arden on September 28, 1981.

Aaron Hamburger

Donald Holcomb

Harold R. Monfort, Sec'y.

William Morley

William Press

Eugene Shaw

Elizabeth Varley Walker, Chair

Harold Romonfort

Ellabeth Vouly Walker

VILLAGE OF ARDEN

PROPOSED BUDGET FOR FISCAL YEAR MARCH 25, 1982 - MARCH 24, 1983

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	INCOME	PROPOSED BUDGET 1982-83	ESTIMATED ACTUAL 1981-82	BUDGET 1981-82
	Land Rent and Factors Del. Municipal Street Aid (Max. 30% may be used for "Urban	134,000 9,600	130,500 9,600	130,500 9,600
	Renewal". Remainder must be used Interest on Reserve Funds U.S. Revenue Sharing Other Income	for roads. 9,000 2,500 1,200	9,000 2,800 1,200	9,000 2,800 1,200
	TOTAL INCOME	156,300	153,100	153,100
	NON BUDGETABLE EXPENSES			
	County Taxes School Taxes Municipal Street Aid for Roads U.S. Revenue Sharing Trustees Administrative Expenses	26,200 66,300 7,500 2,500 6,500	23,554 66,767 7,500 2,800 6,000	23,554 66,767 7,500 2,800 6,000
	TOTAL	109,000	106,621	106,621
	Remaining Funds Available for Budgeting BUDGETED EXPENSES	47,300	46,479	46,479
	Roads Commons & Forests Salary - Assembly Secretary Salary - Village Treasurer Special Arden Clean-up Rental of Gild Hall Town Trash Collection Village Center Committee Registration Committee Playground Committee Safety Committee Donation to ACRA Donation to Claymont Fire Co. Donation to Arden Page Contingencies	10,000 11,000 1,897 440 500 350 22,000 500 1,100 1,300 1,500 350 500 1,000	10,000 11,000 1,897 440 500 330 22,000 500 1,200 1,200 1,500 350 500 100 800	10,000 11,000 1,897 440 500 330 22,000 500 1,000 1,200 1,500 350 500
	TOTAL BUDGETED EXPENSES	52,537	52,317	52,317
10	BUDGET DEFICIT	(5,237)	(5,838)	(5,838)
-				

Budget Committee shall review actual and anticipated receipts prior to each Town Assembly. If any single expenditure item or the total of all such items is expected to deviate by \$1,000 or more from the budget because of an unanticipated emergency expenditure or lower income, a revised budget showing new and old figures shall be submitted in writing to the Town Assembly for approval by a two-thirds vote at a regular or special meeting.

Submitted to the September, 1981, Town Meeting of Arden.

BUDGET FOR YEAR

Roads	10,000.00	8,406.00
Commons & Forests	11,000.00	6,151.40
Town Salaries	2,338.00	1,168.50
Arden Page	100.00	100.00
Hall	330.00	330.00
Fire Company	500.00	500.00
ACRA	350.00	350.00
Town Trash Collection	22,000.00	11,036.00
Buzz Ware Village Center	500.00	· -
Registration Committee	1,000.00	617.75
Playground Committee	1,200.00	50.00
Safety Committee	1,500.00	897.75
Contingencies	1,000.00	-
Taxes - County-School	90,321.00	64.64
Administrative Expenses	6,000.00	4,052.79
	# 148,139.00	\$ 33,724.83
	MILATER STREET STREET	
Ch	ecking Account	\$ 1,543.31
Sa	vings Account	8,083.73
In	Investments	
		\$ 154,627.04